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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,103	04/12/2004	Charles F. Irwin	103-3	2142
7590	03/02/2010		EXAMINER	
DILWORTH IP, LLC SUITE 206 2 CORPORATE DRIVE TRUMBULL, CT 06611			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	
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			03/02/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,103	IRWIN, CHARLES F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 August 2009.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Response to Amendment***

1. This Final office action is in response to Applicant's amendment filed August 3, 2009. Claims 1-19 and 21 have been amended, while claims 1-21 are pending.

2. The previously pending objection to the abstract has been withdrawn.

The previously pending objections to claims 17-21 have been withdrawn.

The previously pending rejections to claims 1-10 and 17-21 under 35 USC 112, second paragraph, have been withdrawn.

The previously pending rejections to claims 1-10 and 17-21 under 35 USC 101 have been withdrawn.

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendments to the claims.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik et al (USPN 5,666,493), in view of Duncan (US 6,934,692).

As per claim 1, Wojcik et al disclose in a process for effectuating shipment appointment-making between two or more buyers and sellers and optionally their

third party providers (buyers, sellers and third party providers collectively called Partners) in a supply community (i.e., delivery process for managing inbound and outbound movement of goods, column 7, lines 41-43), the process including the steps of: providing one or more ship locations from which goods are picked up or to which goods are delivered (i.e., customers and distribution centers and carriers, column 7, lines 44-45); the one or more Partners submitting appointment reservation requests to the ship location; and any ship location declining or accepting the appointment reservation requests submitted to that ship location (i.e., scheduled appointment necessarily indicates an appointment request was accepted, wherein the warehouse keeps a list of appointments and times, column 8, lines 27-33).

Wojcik et al does not explicitly disclose providing an internet website application that is configured and enabled to allow each ship location to individually create, configure and maintain an appointment calendar that is unique to each ship location; and one or more Partners contemporaneously accessing the internet website application and querying the appointment calendar for a any ship location to determine available pick-up and delivery dock times for that ship location. Duncan discloses various parties transacting business over the Internet 113 are shown. The various parties include, for example, a first party 103, a second party 105, a third party 107, a fourth party 109, and an nth party 111. For example, first party 103 may be a buyer, second party 105 may be a seller, third party 107 may be a financial institution, fourth party 109 may be a shipper, and so on (column 6, lines 15-22), including connections to transportation systems to enhance the scheduling and tracking of products (column 4, lines 20-25). It would have been obvious to one of

ordinary skill in the art to include providing an internet website application that is configured and enabled to allow each ship location to individually create, configure and maintain an appointment calendar that is unique to each ship location; and one or more Partners contemporaneously accessing the internet website application and querying the appointment calendar for a any ship location to determine available pick-up and delivery dock times for that ship location in Wojcik et al, as seen in Duncan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 2, neither Wojcik et al nor Duncan explicitly disclose wherein the appointment calendar for each ship location is created, configured, and managed in such a manner as to consider and incorporate the operating hours of the ship location and the number of dock doors in operation during those hours of operation, the peak and off-peak hours of the ship location for any reason, the duration of each dock time slot, any dock time slots set aside by the ship location for any reason and thereby unavailable to the one or more other Partners for requesting an appointment reservation, the lead-time required for requesting an appointment reservation of a dock time slot in the appointment calendar, the appointment reservation request auto-approval aging time, and the appointment-making privileges of the one or more other Partners as specified by ship location Partner. However, Wojcik et al discloses the warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the

product (column 8, lines 27-36). In addition, Duncan discloses connections to transportation systems to enhance the scheduling and tracking of products (column 4, lines 20-25). It would have been obvious to one of ordinary skill in the art to include operating hours of the ship location and the number of dock doors in operation during those hours of operation, the peak and off-peak hours of the ship location for any reason, the duration of each dock time slot, any dock time slots set aside by the ship location for any reason and thereby unavailable to the one or more other Partners for requesting an appointment reservation, the lead-time required for requesting an appointment reservation of a dock time slot in the appointment calendar, the appointment reservation request auto-approval aging time, and the appointment-making privileges of the one or more other Partners as specified by ship location Partner, in Wojcik et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 3, neither Wojcik et al nor Duncan explicitly disclose the appointment-making privileges specified by each ship location include the privilege to request a pre-appointment, the privilege to request a repeating standing appointment, and the privilege to self-appoint appointments. However, Wojcik et al discloses the warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product (column 8, lines 27-36). In addition, Duncan discloses connections to transportation systems to enhance the scheduling and tracking of products (column

4, lines 20-25). It would have been obvious to one of ordinary skill in the art to include the appointment-making privileges specified by the ship location Partner include the privilege to request a pre-appointment, the privilege to request a repeating standing appointment, and the privilege to self-appoint appointments, in Wojcik et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 4, Wojcik et al disclose each ship location may elect to manually review and approve or decline the appointment reservation requests and to auto-accept the appointment reservation requests for any Partners that have not been granted self-appointing privileges by that ship location after the appointment request auto-approval aging time specified by the ship location has elapsed (i.e., warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product, column 8, lines 27-36).

As per claim 5, Wojcik et al disclose a ship location is operated by a seller of buyer (i.e., warehouse owner, including seller of products, column 8, lines 30-33).

As per claim 6, Wojcik et al disclose a ship location is operated by a third-party logistics provider (i.e., warehouse owner, column 8, lines 30-33).

As per claim 7, Wojcik et al disclose at least one of the Partners is a carrier (i.e., ABC carrier, column 8, line 26).

As per claim 8, Wojcik et al disclose at least one of the Partners is a shipper (i.e., XYZ truck, column 8, lines 23-26).

As per claim 9, Wojcik et al disclose a Partner may query and view appointment information for any appointment reservation request and for any approved appointment reservation provided that the appointment reservation is relevant to that Partner (i.e., warehouse keeping a list of appointments and times, while tracking truck schedules, wherein an appointment is scheduled to come to the dock to pick up the product, column 8, lines 27-36) including the entirety of a multi-Partner multi-segment tour so as to facilitate Partner collaboration in the planning of the multi-Partner shipment (i.e., delivery process for managing inbound and outbound movement of goods, column 7, lines 41-43).

As per claim 10, Wojcik et al disclose the entirety of the multi- Partner multi-segment tour includes continuous move and multi-stop pick-up and delivery shipments (i.e., order consolidation, figure 13).

Claims 11-20 are rejected based upon the same rationale as the rejections of claims 1-10, respectively, since they are the system claims corresponding to the method claims.

Claim 21 is rejected based upon the same rationale as the rejections of claims 3-10, since it is the system claim corresponding to the method claims.

### ***Response to Arguments***

6. In the Remarks, Applicant argues Wojcik et al does not disclose providing an internet website application that is configured and enabled to allow each ship

location to individually create, configure and maintain an appointment calendar that is unique to each ship location; and one or more Partners contemporaneously accessing the internet website application and querying the appointment calendar for any ship location to determine available pick-up and delivery dock times for that ship location, however Duncan discloses the amended limitations, as seen in the updated rejection above.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Primary Examiner, Art Unit 3623  
February 19, 2010